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FILED

JUL - 6 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ARCSOFT INC.,

Plaintiff,

vs.

PAUL FRIEDMAN,

Defendant.

CASE NO. C07-03512 SC

**DECLARATION OF SHANNON S. SEVEY
IN SUPPORT OF ARCSOFT INC.'S
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

Date: July 6, 2007
Time: 9:30 a.m.
Dept: Courtroom 1, 17th Floor
Bef: The Hon. Samuel Conti

1 I, Shannon S. Sevey, declare:

2 1. I am an attorney at law licensed to practice before this Court. I am associated with
3 the law firm of Paul, Hastings, Janofsky & Walker LLP, counsel of record for Plaintiff ArcSoft
4 Inc. I have personal knowledge of the facts contained herein, and if called as a witness, I could
5 and would testify competently thereto.

6 2. Pursuant to Federal Rule of Civil Procedure 65(b) and for good cause appearing,
7 ArcSoft has not provided notice of the *ex parte* hearing on its Motion for a Temporary
8 Restraining Order, Evidence Preservation Order, Order to Show Cause re Issuance of Preliminary
9 Injunction, and Order Granting Expedited Discovery to Defendant Paul Friedman because it
10 believes that doing so will result in the risk of immediate, irreparable, and further injury, loss, and
11 damage. Specifically, based on the evidence gathered to date, including:

12 (A) as set forth in the Declaration of Tonie Berryman filed herewith, Friedman, who holds
13 a degree in Computer Science and who is technically savvy, refused to return the laptop even
14 when directed to do so by a law enforcement officer;

15 (B) as reflected in the Declaration of Lee Curtis filed herewith, the forensic examination
16 performed on the laptop by Aon Consulting demonstrates that, while it was unlawfully in
17 Friedman's possession for almost 29 hours, and after refusing ArcSoft's demands and the
18 Fremont Police Department's instruction to return the computer, a wiping program was installed
19 on the computer and used to destroy all data on the computer, including forensic evidence of what
20 files Friedman accessed and/or copied off of the laptop;

21 (C) as reflected in the Declaration of Victor Chen filed herewith, when ArcSoft thereafter
22 inquired of Friedman in writing on multiple occasions concerning (i) what files on the laptop he
23 accessed during the time in question; (ii) what files that resided on the laptop prior to his wiping
24 all contents of the laptop he copied to another source during the time in question; (iii) who else
25 accessed the ArcSoft data on the laptop during the time in question; (iv) what program he used to
26 wipe the data off the laptop; and (v) whether he had in fact returned all hard and electronic copies
27 of any ArcSoft data to ArcSoft, Friedman refused to answer these questions;

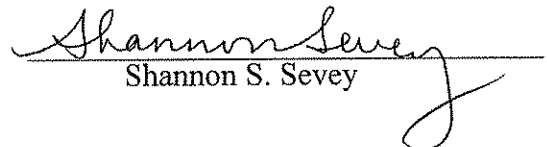
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1 (D) as reflected in the Declaration of Tonie Berryman filed herewith, when ArcSoft
2 provided Friedman with written notice it was rescinding a three-month severance offer, Friedman
3 replied "do you want to try to get your pc problem fixed?", suggesting that Friedman is in
4 possession of facts that can potentially help ArcSoft recover the data Friedman deleted off of the
5 laptop, but which facts Friedman has refused to voluntarily disclose to ArcSoft absent the
6 payment of some monetary consideration and which otherwise shows no remorse on Friedman's
7 part; and

8 (E) as reflected in the Declaration of Lee Curtis filed herewith, the fact that from a
9 technological perspective, electronic data and the preservation of the same is subject to many
10 human and technological perils;

11 ArcSoft is informed and believes that there is a substantial risk that if Friedman is put on
12 notice of these proceedings, he will use the notice period to further destroy any remaining data
13 and evidence in his possession.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct, except where stated on information and belief. Executed on this 6th
16 day of July, 2007, in Palo Alto, California.

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